

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**BARRY RANDALL THOMAS,
AIS NO. 178628,**

Plaintiff,

V.

DR. DARBOUZE, *et al.*,

Defendants.

CIVIL ACTION NO.
2:07-cv-00630-MEF-WC

MOTION FOR EXTENSION OF TIME TO COMPLY WITH COURT ORDER

COME NOW Defendants DR. GEAN DARBOUZE (“Dr. Darbouze”) and KAY WILSON, RN (“Nurse Wilson” and together collectively as the “Medical Defendants”) and file this Motion for Extension of Time to Comply with this Court’s July 12, 2007, Order for the defendants to show cause why the Motion for Preliminary Injunction filed by Plaintiff BARRY RANDALL THOMAS (the “Plaintiff”) should not be granted. The Medical Defendants respectfully request that this Court extend its deadline to respond in accordance with the terms and conditions of this Court’s July 12, 2007, Order, for a period of ten (10) days from the date of this Motion, i.e. until August 22, 2007. As grounds for this Motion, the Medical Defendants state as follows:

1. On or about June 23, 2007, *pro se* Plaintiff, an inmate at Easterling Correctional Facility, initiated this action against three defendants, Dr. Darbouze, Nurse Wilson and Warden Davenport, asserting various allegations regarding the conditions of his confinement at Bullock Correctional Facility, including alleged acts or omissions of the medical staff at Bullock Correctional Facility in treating extreme chronic back pain. (See Doc. 1).

2. This Court entered its Order for the defendants to show cause why the Motion for Preliminary Injunction filed by plaintiff should not be granted on July 12, 2007, requiring the filing of a response from Dr. Darbouze and Nurse Wilson on or before August 8, 2007. (See Doc. 8).

3. As indicated in the docket report, Dr. Darbouze and Nurse Wilson were not served with the Plaintiff's Complaint until July 13, 2007, but did receive the Court's July 12, 2007, Order.

4. The staff of undersigned counsel was monitoring this case today via the Court's web-based docket discovered this Order dated July 12, 2007. Undersigned counsel has not yet had the opportunity to review this Court's July 12, 2007, Order, the pending motion before the Court, all of the materials relevant to this action which the Medical Defendants may be obliged to submit and/or may be relevant to any response to the Court's Order dated July 12, 2007. Therefore, the Medical Defendants respectfully request additional time to compile its required response to the Motion for Preliminary Injunction to ensure a complete, accurate and compliant response to the Court's Order.

5. Granting the Medical Defendants additional time to provide its response to the Court's Order will not materially prejudice Plaintiff or otherwise result in any substantial hardship to Plaintiff. Furthermore, the extension of this deadline will not substantially delay this matter in any way in light of the current August 22, 2007, deadline for the Special Report and Answer of the Medical Defendants. (See Doc. 10).

WHEREFORE, PREMISES CONSIDERED, Defendants Dr. Gean Darbouze and Kay Wilson, RN respectfully request that the Court extend its deadline to provide its response to the

Court's Order for the defendants to show cause why the Motion for Preliminary Injunction filed by Plaintiff should not be granted until August 22, 2007.

Respectfully submitted this 8th day of August, 2007,

s/ William R. Lunsford

One of the Attorneys for Dr. Gean Darbouze and Kay Wilson, RN

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of August, 2007, I electronically filed the foregoing with the Clerk of the Court and mailed via regular U.S. mail or via electronic mail (as designated below) to the following:

Barry Randall Thomas
AIS # 178628
Easterling Correctional Facility
200 Wallace Drive
Clio, AL 36017-2613

Tara S. Knee (*via electronic mail*)
Alabama Department of Corrections
Post Office Box 301501
Montgomery, AL 36130-1501

s/ William R. Lunsford

Of Counsel